

**Office of
The City Attorney
City of San Diego**

MEMORANDUM

DATE: November 17, 2017
TO: Council President Cole
FROM: Monica A. Willian, Deputy City Attorney
SUBJECT: Closed Session Actions That Must Be Publicly Reported

This memorandum responds to your request for guidance as to which closed session actions require a public report in open session. We have attached a chart listing the closed session actions that must be reported out, and the corresponding legal authority.¹

Please contact the Office of the City Attorney if you have any questions.

MARA W. ELLIOTT, City Attorney

By /s/ Monica A. Willian
Monica A. Willian
Deputy City Attorney

MAW:hm

MS-2017-30

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Attachment: Closed Session Items Required to Be Reported Out

cc: Honorable Mayor, City Councilmembers, Chief Operating Officer, and IBA

¹ The Ralph M. Brown Act, codified at Cal. Gov't Code sections 54950 through 54963, regulates which items are required to be publically reported.

ATTACHMENT
(Closed Session Items Required to Be Reported Out)

<u>Closed Session Action</u>	<u>Cal. Gov't Code</u>
Real Property Negotiations: Final Approval of Agreement Action taken by Council approving an agreement concluding real estate negotiations.*	§ 54957.1(a)(1)
Litigation: Appellate Review Action taken by Council authorizing legal counsel to defend, seek, or refrain from appellate review.*	§ 54957.1(a)(2)
Litigation: Amicus Participation Action taken by Council authorizing legal counsel to enter as an amicus curiae in any litigation.*	§ 54957.1(a)(2)
Litigation: Initiation or Intervention Action to initiate litigation or intervene in litigation; announcement can be non-specific under certain circumstances. (City Attorney will provide guidance)	§ 54957.1(a)(2)
Litigation: Acceptance of a Signed Settlement Offer Action taken by Council authorizing legal counsel to accept a signed settlement offer in pending litigation.*	§ 54957.1(a)(3)
Joint Powers Agency: Disposition reached as to claims incurred by a joint powers agency or a local agency member of the joint powers agency.	§ 54957.1(a)(4)
Public Employment Action Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee.* For example, the City Council reviews the performance of the City Clerk and the Independent Budget Analyst in closed session. Such review could conceivably result in action affecting the employee's status.	§ 54957.1(a)(5)
Labor Negotiations: Action taken by Council approving the final agreement.	§ 54957.1(a)(6)
Pension Fund Investment Action taken by Council to purchase or sell particular, specific pension fund investments. This action has not been recently taken by the City Council.	§ 54957.1(a)(7)

*Reported out at the public meeting during which the closed session was held. Note that an individual councilmember vote becomes public record at this point.